

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-7199

CARL A. EUBANKS,

Petitioner - Appellant,

versus

UNITED STATES OF AMERICA; B. G. COMPTON,

Respondents - Appellees.

Appeal from the United States District Court for the Western
District of Virginia, at Roanoke. Samuel G. Wilson, District
Judge. (CA-04-307)

Submitted: May 19, 2005

Decided: May 24, 2005

Before LUTTIG, MOTZ, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Carl A. Eubanks, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Carl A. Eubanks appeals a district court order dismissing without prejudice his 28 U.S.C. § 2241 (2000) petition. We have reviewed the record and the district court's memorandum opinion and affirm for the reasons cited by the district court. See Eubanks v. United States, No. CA-04-307 (W.D. Va. filed June 17, 2004; entered June 18, 2004). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.*

AFFIRMED

*To the extent that Eubanks may be seeking authorization under 28 U.S.C. § 2244 (2000) to file a second and successive 28 U.S.C. § 2255 (2000) motion on the basis of the rules announced in United States v. Booker, 125 S.Ct. 738 (2005), and Blakely v. Washington, 124 S. Ct. 2531 (2004), we deny authorization.